UNITED STATES PATENT AND TRADEMARK OFFICE
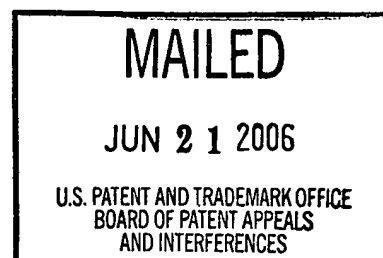
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DANIEL CHIEN, MARTIN PEAKER,
DAVID CHAN, GARRY BRERETON,
PETER KERSLAKE GIBBENS, PAUL ROBERTS,
PAUL ANTHONY THOMAS and
JONATHAN LESLIE CHRISTOPHER JACKSON

Application No. 10/763,714

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and

Interferences on May 27, 2006. A review of the application has revealed that the application is

not ready for review and consideration. Accordingly, the application is herewith being returned

to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On March 2, 2006, an Examiner's Answer was mailed. A review of the Examiner's

Answer reveals that it is not in compliance with the Manual of Patent Examining

Application No. 10/763,714

Procedure (MPEP) § 1207.03. See MPEP §1207.03, which states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

In the "Evidence Relied Upon" section of the Examiner Answer (section 8), the Examiner states: "No evidence is relied upon by the examiner in the rejection of the claims on appeal."

Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) vacate the Examiner's Answer mailed March 2, 2006;

2) issue a revised Examiner's Answer to include all required headings as set forth under 37 CFR § 41.37, and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Application No. 10/763,714

DMS/dpv

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